

### REMARKS

This paper is responsive to the Office Action dated September 1, 2006. All rejections and objections of the Examiner are respectfully traversed. Reconsideration is respectfully requested.

The Examiner first rejected claims 21-24 under 35 U.S.C. 101 for non-statutory subject matter. Amendments to the claims herein are respectfully believed to meet all requirements in this regard.

The Examiner next rejected claims 1-3, 6, 21, 22 and 24 under 35 U.S.C. 102(e) for anticipation by United States patent number 6,584,587 of McDermott ("McDermott"). Applicant respectfully traverses this rejection.

McDermott discloses a watchdog system for controlling subsystems in an electronic system such as a decoder. The McDermott system calls a task in a task table within the electronic system and changes a status of the task to "called." For each task in the table, McDermott determines the status of the task, and, if the status is "called", sets a flag to a true state if a predetermined time has passed since the task was called and a response message has not been received from the task. The McDermott system pushes back the occurrence of a hardware reset action to a predetermined time if the flag is not set to the true state. The subsystems and tasks of McDermott are shown as parts of a main logic block within a decoder portion of a digital television (see Fig. 1).

Nowhere in McDermott is there disclosed or suggested any method or system for identifying a runaway software agent operating in a computer system that includes:

- defining a time window for said agent;
- receiving a current time signal;

determining a start time for said agent, said start time denoting when said agent began operating in said system;  
determining if said time window is exceeded using said start time and said current time;  
identifying said agent if said time window is exceeded, said identifying includes identifying said agent as a runaway agent; and  
***wherein said agent comprises a user developed task.*** (emphasis added)

as in the present independent claim 1. Analogous features are also present in independent claim 21. In contrast, the teachings of McDermott fail to anticipate even the desirability of executing any kind of user defined agents. McDermott discusses users only in the context of users having to reset the complete system in the event of a subsystem failure (see column 1, lines 16-17), and user receipt of a desired broadcast signal through the digital television (see column 3, lines 1-3 and 13-15). Nothing in McDermott provides any hint or suggestion of any need to include user defined tasks, far less any need to control runaway user tasks were they for some reason encountered. The McDermott system as a result does not include or control user defined agents, as are included in and controlled by the present independent claims 1 and 21. Since user defined agents are in many cases likely to be more problematic than the device internal subsystems with which McDermott is concerned, this is a significant shortcoming of McDermott with regard to the features of the present independent claims 1 and 21.

For the above reasons, Applicant respectfully urges that McDermott does not disclose or suggest all of the features of the present independent claims 1 and 21. Accordingly, McDermott does not anticipate independent claims 1 and 21 under 35 U.S.C. 102. As to claims 2-3, 6, 22 and 24, they each depend from claims 1 and 21, and are respectfully believed to be patentable over McDermott for at least the same reasons.

The Examiner next rejected dependent claim 4 for obviousness under 35 U.S.C. 103, citing McDermott in combination with United States Patent Application Publication 2004/0237005 A1 of Adkisson ("Adkisson"). Applicant respectfully traverses this rejection.

As discussed above, McDermott includes no teaching or suggestion of any method or system for identifying a runaway software agent operating in a computer system, *wherein the agent is a user developed task*, as in independent claim 1, from which claim 4 depends. Combining Adkisson with McDermott fails to remedy this shortcoming of McDermott, since Adkisson also includes no teaching or suggestion of user developed tasks, and naturally also includes no teaching or suggestion of identifying user developed tasks as runaway tasks, as in the present independent claim 1, from which claim 4 depends. Applicant therefore respectfully urges that the combination of McDermott and Adkisson fails to support a *prima facie* case of obviousness with regard to the present independent claim 1, and that dependent claim 4 is similarly patentable over the combination of McDermott and Adkisson for at least the same reasons.

The Examiner rejected dependent claims 5, 7 and 23 for obviousness under 35 U.S.C. 103, citing McDermott in combination with United States Patent 5,796,633 of Burgess ("Burgess"). Applicant respectfully traverses this rejection.

Like McDermott, Burgess includes no teaching or suggestion of any method or system for identifying a runaway software agent operating in a computer system, *wherein the agent is a user developed task*, as in independent claims 1 and 21, from which claims 5, 7 and 23 depend. Neither Burgess nor McDermott includes any teaching or suggestion of user developed tasks. Burgess describes user configuration of performance counters and periods for obtaining performance data, but includes no teaching or suggestion of identifying user developed tasks as

runaway tasks, as in the present independent claims 1 and 21, from which claims 5, 7 and 23 depend. Applicant therefore respectfully urges that the combination of McDermott and Burgess fails to support a *prima facie* case of obviousness with regard to the present independent claims 1 and 21, and that dependent claims 5, 7 and 23 are similarly patentable over the combination of McDermott and Burgess for at least the same reasons.

The Examiner rejected claims 8 and 9 for obviousness under 35 U.S.C. 103, citing McDermott in combination with the definition of HTTP in Microsoft Computer Dictionary. Applicant respectfully traverses this rejection.

As discussed above, McDermott includes no teaching or suggestion of any method or system for identifying a runaway software agent operating in a computer system, *wherein the agent is a user developed task*, as in independent claim 8, from which claim 9 depends. Combining McDermott together with the dictionary definition of HTTP fails to remedy this shortcoming of McDermott, since the HTTP dictionary definition also includes no teaching or suggestion of user developed tasks. Applicant therefore respectfully urges that the combination of McDermott and the HTTP dictionary definition fails to support a *prima facie* case of obviousness with regard to the present independent claim 8, and that dependent claim 9 is similarly patentable over the combination of McDermott and the HTTP dictionary definition for at least the same reasons.

The Examiner also rejected dependent claims 10-16 for obviousness under 35 U.S.C. 103, citing McDermott in combination with the definition of HTTP in Microsoft Computer Dictionary and Burgess. Applicants respectfully urge that neither McDermott, the HTTP dictionary definition, nor Burgess includes any teaching or suggestion of a method or system for identifying a runaway software agent operating in a computer system, *wherein the agent is a*

*user developed task*, as in independent claim 8, from which claims 10-16 depend. Applicant therefore respectfully urges that the combination of McDermott, the HTTP dictionary definition and Burgess fails to support a *prima facie* case of obviousness with regard to the present independent claim 8, and that dependent claims 10-16 are similarly patentable over the combination of McDermott, the HTTP dictionary definition and Burgess for at least the same reasons.

The Examiner lastly rejected claims 17-20 for obviousness under 35 U.S.C. 103, citing McDermott in combination with United States Patent Application Publication 2003/0221123 A1 of Beavers ("Beavers"). Applicant respectfully traverses this rejection.

Applicant again initially notes that McDermott only mentions users in the context of users having to reset the complete system in the event of a subsystem failure, and user receipt of a desired broadcast signal through the digital television. Beavers discloses a system for managing alert incidents that processes information about the enterprise using tables, databases, and rules to determine whether the information is worthy of declaring an incident for action to be taken. Beavers teaches certain rules, tables and variables that can be user editable when controlling certain aspects of an alert management system. The combination of McDermott and Beavers fails to disclose or suggest any method or system for identifying a plurality of runaway software agents operating in a computer system, *wherein the agents are user developed tasks*, as in independent claim 17, from which claims 18-20 depend. Applicant therefore respectfully urges that the combination of McDermott and Beavers fails to support a *prima facie* case of obviousness with regard to the present independent claim 17, and that dependent claims 18-20 are similarly patentable over the combination of McDermott and Beavers for at least the same reasons.

Reconsideration of all pending claims is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues requiring adverse action, it is respectfully requested that the Examiner telephone the undersigned Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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